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Elimination of racism and racial discrimination: elimination of racism, racial discrimination, xenophobia and related intolerance

Benin, Cuba, Kyrgyzstan, Russian Federation, Sudan, Tajikistan, Uzbekistan, Venezuela (Bolivarian Republic of) and Zimbabwe: draft resolution

Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and other relevant human rights instruments,

Recalling the provisions of Commission on Human Rights resolutions 2004/16 of 16 April 2004[4] and 2005/5 of 14 April 2005,[5] and relevant Human Rights Council resolutions, in particular resolution 7/34 of 28 March 2008,[6] as well as General Assembly resolutions 60/143 of 16 December 2005, 61/147 of 19 December 2006 and 62/142 of 18 December 2007 on this issue and resolutions 61/149 of 19 December 2006 and 62/220 of 22 December 2007, both entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action",

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 660, No. 9464.
[4] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.
[5] Ibid., *2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.
[6] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. II, sect. A.

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Recalling also the Charter of the Nuremberg Tribunal and the Judgement of the Tribunal, which recognized, inter alia, the SS organization and all its integral parts, including the Waffen SS, as criminal and declared it responsible for many war crimes and crimes against humanity,

Recalling further the relevant provisions of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[7] in particular paragraph 2 of the Declaration and paragraph 86 of the Programme of Action,

Recalling equally the study undertaken by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[8] and taking note of his report,[9]

Alarmed, in this regard, at the spread in many parts of the world of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups,

1. *Reaffirms* the provision of the Durban Declaration[7] in which States condemned the persistence and resurgence of neo-Nazism, neo-Fascism and violent nationalist ideologies based on racial and national prejudice and stated that those phenomena could never be justified in any instance or in any circumstances;

2. *Expresses deep concern* about the glorification of the Nazi movement and former members of the Waffen SS organization, including by erecting monuments and memorials and holding public demonstrations in the name of the glorification of the Nazi past, the Nazi movement and neo-Nazism, as well as by declaring or attempting to declare such members and those who fought against the anti-Hitler coalition or collaborated with the Nazi movement as participants of national liberation movements;

3. *Expresses concern* at recurring attempts to desecrate or demolish monuments erected in remembrance of those who fought against Nazism during the Second World War, as well as to unlawfully exhume or remove the remains of such persons, and urges States in this regard to fully comply with their relevant obligations, inter alia, under article 34 of Additional Protocol I to the Geneva Conventions of 1949;[10]

4. *Notes with concern* the increase in the number of racist incidents in several countries and the rise of skinhead groups, which have been responsible for many of these incidents, as well as the resurgence of racist and xenophobic violence targeting members of ethnic, religious or cultural communities and national minorities, as observed by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in his latest report;[9]

5. *Reaffirms* that such acts may be qualified to fall within the scope of activities described in article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination,[1] and that they may represent a clear and manifest abuse of the rights to freedom of peaceful assembly and of association as

[7] See A/CONF.189/12 and Corr.1, chap. I.

[8] E/CN.4/2006/16 and Add.1, Add.2 and Corr.1 and Add.3 and 4.

[9] See A/63/339.

[10] United Nations, *Treaty Series*, vol. 1125, No. 17512.

well as the rights to freedom of opinion and expression within the meaning of those rights as guaranteed by the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights[2] and the International Convention on the Elimination of All Forms of Racial Discrimination;

6. *Stresses* that the practices described above do injustice to the memory of the countless victims of crimes against humanity committed in the Second World War, in particular those committed by the SS organization and those who fought against the anti-Hitler coalition or collaborated with the Nazi movement, and poison the minds of young people, and that those practices are incompatible with the obligations of States Members of the United Nations under its Charter and are incompatible with the goals and principles of the Organization;

7. *Also stresses* that such practices fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contribute to the spread and multiplication of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups;

8. *Emphasizes* the need to take the necessary measures to put an end to the practices described above, and calls upon States to take more effective measures in accordance with international human rights law to combat those phenomena and the extremist movements, which pose a real threat to democratic values;

9. *Reaffirms* that, according to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, States parties to that instrument are, inter alia, under the obligation:

(a) To condemn all propaganda and all organizations that are based on ideas of racial superiority or that attempt to justify or promote racial hatred and discrimination in any form;

(b) To undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention;

(c) To declare as an offence punishable by law all dissemination of ideas based on racial superiority or hatred, and incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(d) To declare illegal and prohibit organizations and organized and all other propaganda activities that promote and incite racial discrimination and to recognize participation in such organizations or activities as an offence punishable by law;

(e) To prohibit public authorities or public institutions, national or local, from promoting or inciting racial discrimination;

10. *Encourages* those States that have made reservations to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination to give serious consideration to withdrawing such reservations as a matter of priority;

11. *Recalls* the request of the Commission on Human Rights in its resolution 2005/5[3] that the Special Rapporteur continue to reflect on this issue, make relevant

recommendations in his future reports and seek and take into account in this regard the views of Governments and non-governmental organizations;

12. *Requests* the Special Rapporteur to prepare, for submission to the General Assembly at its sixty-fourth session and the Human Rights Council, reports on the implementation of the present resolution based on the views collected in accordance with the request of the Commission on Human Rights, as recalled by the Assembly in paragraph 11 above;

13. *Urges* Governments and non-governmental organizations to cooperate fully with the Special Rapporteur in the exercise of the aforementioned tasks;

14. *Decides* to remain seized of the issue.